

REMARKS

Claims 13-22 are now in the application.

Claims 13-22 were rejected under 35 USC 102(e) of being unpatentable over US Patent 5,986,014 to Kusakabe et al. This rejection of the claims is not deemed tenable since Kusakabe et al. is not prior art to the present invention.

In particular, attached hereto is an unsigned Declaration Under 37 CFR 1.131 along with attached Exhibit A, which evidences that the present invention was conceived by the present inventors and reduced to practice in Japan by them and/or under their direction and/or supervision prior to February 6, 1997, the filing date of Kusakabe et al. The fully executed Declaration will be filed upon receipt by the undersigned.

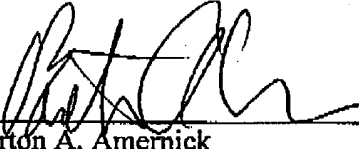
In view of the Declaration Under 37 C.F.R. 1.131, the basis for the rejection of the claims over Kusakabe et al. is eliminated. For example, see *In re Stempel*, 113 U.S.P.Q. 77 (CCPA, 1965). The filing of the Declaration is not to be construed as an admission, acquiescence or estoppel with respect to the rejection of the claims over Kusakabe et al. See *Greenwood v. Hattari Seiko Co., Ltd.*, 14 U.S.P.Q. 2d 1474 (Fed. Cir. 1990).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0815, under Order No. 20136-00344-US from which the undersigned is authorized to draw.

Dated: April 7, 2004

Respectfully submitted,

By 
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